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14 **UNITED STATES DISTRICT COURT**  
15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

16 MUNCHKIN, INC., a Delaware  
17 corporation,

18 Plaintiff,

18 vs.

19 LUV N' CARE, LTD.,  
20 a Louisiana corporation, and

21 ADMAR INTERNATIONAL, INC.,  
22 a Delaware corporation.

23 Defendants.  
24  
25  
26  
27

Case No. CV 13-7228-ODW-AGR

**JOINT STIPULATION TO  
AMEND CASE MANAGEMENT  
ORDER AND SUMMARY  
JUDGMENT DEADLINES**

Action Filed: September 30, 2013

1 Plaintiff Munchkin, Inc. (“Munchkin”) and Defendants Luv n’ care, Ltd. and  
 2 Admar International, Inc. (collectively, “LNC”), jointly through counsel for their  
 3 Joint Stipulation to Amend Case Management Order and Summary Judgment  
 4 Deadlines, state as follows:  
 5

6 WHEREAS, on January 15, 2014, the Court entered its Scheduling and Case  
 7 Management Order in this matter (Docket No. 21) setting, *inter alia*, the following  
 8 deadlines:  
 9

- 10 • December 1, 2014 – All Discovery Cut-Off
- 11 • December 15, 2014 – Last Day to File Dispositive Motions
- 12 • January 5, 2015 – Last Day to Conduct Settlement Conference
- 13 • January 12, 2015 – Last Day for Hearing Motions
- 14 • February 2, 2015 – Lodge Pretrial Conference Order & Pretrial
- 15 Exhibit Stipulation, File Trial Briefs, File Contentions of Fact & Law, File Exhibit
- 16 and Witness Lists, File Status Report Regarding Settlement, File Agreed Upon Set
- 17 of Instructions and Verdict Form, and File Joint Statement Regarding Disputed
- 18 Instructions and Verdict Forms
- 19 • February 9, 2015 – Final Pretrial Conference at 2:30 p.m., Motions in
- 20 Limine to be Filed, Proposed Voir Dire Questions and Agreed-to Statement of
- 21 Case
- 22 • February 23, 2015 – Hearing on Motions in Limine at 2:30 p.m.
- 23
- 24
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- 1           •       February 26, 2015 – File Final Trial Exhibit Stipulation
- 2           •       March 3, 2015 – Trial at 9:00 a.m.

3  
4       WHEREAS, the Parties have been working diligently to complete discovery  
5 including efforts to resolve discovery disputes that have arisen during discovery;

6       WHEREAS, LNC's efforts to comply with its discovery obligations were  
7 temporarily crippled as the result of a tornado that hit Monroe, Louisiana, home of  
8 LNC, on October 13, 2014;

9  
10       WHEREAS, largely due to the delays caused by the tornado, the Parties  
11 have determined that a short extension of discovery is necessary in order to allow  
12 the Parties sufficient time to complete all necessary discovery;

13  
14       WHEREAS, Munchkin is unavailable to complete such discovery (namely  
15 depositions) during the first 3 weeks of December 2014 due to already scheduled  
16 depositions in another matter entitled *Playtex Products, LLC v. Munchkin, Inc.*,  
17 Case No. 14-cv-1308-RJS in the United States District Court for the Southern  
18 District of New York. A minimum of 16 depositions are scheduled in that case  
19 during the first 3 weeks of December, involving the same attorneys as are  
20 representing Munchkin in this case and involving 2 Munchkin employees who are  
21 also scheduled to be deponents in this matter;

22  
23       WHEREAS, the Parties have worked together to confirm an alternative  
24 schedule that allows both parties to take all of the discovery to which they are  
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28

1 entitled by January 8, 2015;

2 WHEREAS, on October 6, 2014, the Court granted LNC leave to file a  
3 motion for summary judgment no later than October 27, 2014, with Munchkin's  
4 opposition due on November 17, 2014, LNC's reply due on December 1, 2014, and  
5 a hearing on the motion set for December 15, 2014 (Docket No. 45);  
6

7  
8 WHEREAS, LNC timely filed its motion for summary judgment on October  
9 27, 2014 (Docket No. 50);

10 WHEREAS, upon review of LNC's motion and supporting papers,  
11 Munchkin concluded that it would need to obtain portions of the discovery  
12 (documents and deposition testimony) detailed above in order to properly respond  
13 to LNC's motion;  
14

15  
16 WHEREAS, LNC, while taking no position on whether Munchkin does need  
17 such discovery to respond to the motion, has agreed to accommodate Munchkin's  
18 request;  
19

20 WHEREAS, the Parties have agreed upon a mutually acceptable briefing  
21 schedule for LNC's summary judgment motion;

22 WHEREAS the Parties propose the following schedule, which will  
23 accommodate all of the concerns addressed herein:  
24

25 • November 17, 2014 – LNC to produce all documents responsive to  
26 Munchkin's Requests for Production and revised interrogatory responses, as  
27

1 detailed in meet and confer discussions between the Parties.

2       • November 17, 2014 – Both Parties to provide responses and  
3 objections to 30(b)(6) Notice and identify witnesses for each 30(b)(6) topic.  
4 30(b)(6) depositions will take place concurrently with individual deposition(s) of  
5 identified witnesses.  
6

7       • November 19, 2014 – Deposition of Munchkin expert Jim Carmichael  
8 in Kansas City, MO.  
9

10       • November 20, 2014 – Deposition of LNC expert Edward Manzo in  
11 Kansas City, MO.  
12

13       • November 24, 2014 – Deposition of Munchkin expert Tim Shedd in  
14 Madison, WI.  
15

16       • November 24, 2014 – Deposition of Joseph Hakim in Monroe, LA.

17       • November 25, 2014 – Deposition of Nouri Hakim in Monroe, LA.

18       • November 26, 2014 – Deposition of Steve Pickering in Monroe, LA.

19       • December 1, 2014 – Deposition of Munchkin expert Dan Wetzel in  
20 Dallas, TX.  
21

22       • December 19, 2014 – Deadline for Munchkin opposition to LNC  
23 Motion for Summary Judgment.  
24

25       • January 7, 2015 – Deposition of Steven Dunn in Los Angeles, CA.

26       • January 8, 2015 – Deposition of Andrew Keimach in Los Angeles,  
27

1 CA.

2 • January 16, 2015 – Deadline for LNC reply in support of its Motion  
3 for Summary Judgment.  
4

5 • January 26, 2015 – Last day to conduct settlement conference.

6 • February 2, 2015 – [Proposed] Summary Judgment Hearing.  
7

8 • February 23, 2015:

9 ○ Lodge Pretrial Conference Order and Pretrial Exhibit  
10 Stipulation  
11

12 ○ File Trial Briefs

13 ○ File Contentions of Fact & Law

14 ○ File Exhibit and Witness Lists

15 ○ File Status Report Regarding Settlement

16 ○ File Agreed Upon Set of Jury Instructions and Verdict Form

17 ○ File Joint Statement Regarding Disputed Jury Instructions and  
18 Verdict Form  
19

20 • March 2, 2015:

21 ○ Final Pretrial Conference

22 ○ Motion in Limine to be Filed

23 ○ Proposed Voir Dire and Agreed-to Statement of Case  
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- March 30, 2015<sup>1</sup> – [Proposed] Hearing on Motions in Limine
- April 2, 2015 – File Final Trial Exhibit Stipulation
- April 7, 2015 – [Proposed] Start of Trial

NOW, THEREFORE, the Parties respectfully request that the Court adopt the proposed amended schedule set forth herein.

Dated: November 11, 2014

**LATHROP & GAGE LLP**

s/Jeffrey Grant

Jeffrey Grant

*Attorneys for MUNCHKIN, INC.*

Dated: November 11, 2014

**PAYNE & FEARS LLP**

s/Eric M. Kennedy

Eric M. Kennedy

*Attorneys for LUV N' CARE, LTD. and  
ADMAR INTERNATIONAL, INC.*

### **SIGNATURE ATTESTATION**

Pursuant to Civil L.R. 5-4.3.4, I hereby attest that concurrence has been obtained from Eric Kennedy, counsel for Defendants, indicated by a “conformed” signature (/s/) within this e-filed document.

By: /s/ Jeffrey Grant

Jeffrey Grant

<sup>1</sup> The Parties have included extra time between the March 2, 2015 filings and the proposed limine conference due to an already-scheduled vacation for counsel for Munchkin.